	Case 3:10-cv-02158-L-RBB Document 1	1 Filed 01/26/11 PageID.60 Page 1 of 2
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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	JOUBIN MORTEZAPOUR AND SEYED RAZAVI, Individually and on Behalf of) Civil No. 10cv2158 L(RBB)
12	All Others Similarly Situated,	ORDER STRIKING FIRST AMENDED COMPLAINT [doc. #10]
13	Plaintiffs,))
14	V.))
15	DIRECTV, INC. AND DIRECTV HOLDINGS LLC,))
16	Defendants.))
17) 15 2010 T. 1: 1 1 C. 1
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21	24, 2011. Instead of filing a response to defendants' motion on January 24, 2011, plaintiffs filed	
22	a first amended complaint. ¹ Federal Puls of Civil Procedure 15(a)(1)(P) allows a party to "amend its pleading once as	
23	Federal Rule of Civil Procedure 15(a)(1)(B) allows a party to "amend its pleading once as a matter of course within: (B) 21 days after service of a motion under Rule 12(b), (e), or	
24	a matter of course within: (b) 21 day	s after service of a motion under Rule 12(b), (e), or
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27	The Court notes plaintiffs failed to provide a certificate of service with their first amended complaint in violation of the Electronic Case Filing Administrative Policies and Procedures Manual §2(d)(2). Counsel is advised that any further failure to comply with the Local Rules or Electronic Case Filing Administrative Policies and Procedures Manual may lead to penalties	
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_0	under Civil Local Rule 83.1.	
		10cv2158

(f), whichever is earlier. FED. R. CIV. P. 15(a)(1)(B). After the time has expired, "a party may amend its pleading only with the opposing party's written consent or the court's leave." FED. R. CIV. P. 15(a)(2). As noted above, defendants filed their motion on December 22, 2010. Plaintiffs were entitled to file a first amended complaint as a matter of course by January 12, 2011. They did not do so, instead waiting until January 24, 2011 to do so. Accordingly, plaintiffs' first amended complaint is untimely. Based on the foregoing, plaintiffs' first amended complaint is **STRICKEN** from the record. IT IS SO ORDERED. DATED: January 26, 2011 United States District Court Judge COPY TO: HON. RUBEN B. BROOKS UNITED STATES MAGISTRATE JUDGE ALL PARTIES/COUNSEL

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